

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 24<sup>TH</sup> DAY OF JUNE 2002, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Gary D. Creed	-Supervisors
	Annette S. Perkins	
	James D. Politis	
	C.P. Shorter	
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	T.C. Powers, Jr.	-Planning Director
	Steve Sandy	- Zoning Administrator
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary
ABSENT:	Larry N. Rush	-Vice Chairman
	John A. Muffo	-Supervisor

### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The Chair called the meeting to order and the Pledge of Allegiance was recited.

### **DELEGATION**

#### **Virginia Cooperative Extension - Dr. Joyce Martin**

Dr. Joyce Martin, Virginia Tech Cooperative Extension Agent since 1978, is retiring on June 30, 2002. Dr. Martin directed the Montgomery County 4-H Youth Program during her 25 years of service. She described the history of the 4-H programs in Montgomery County and reported on several accomplishments and achievements during this time. Dr. Martin expressed her thanks to the Board of Supervisors for making the 4-H program one of the best programs in the State of Virginia.

Chair Biggs thanked Dr. Martin for her dedication to Montgomery County 4-H and to the children of Montgomery County. Chair Biggs stated that Dr. Martin's experience and dedication will be a loss for Montgomery County, and wished her well on her retirement.

## **PUBLIC HEARINGS**

### **Special Use Permit**

**L. Glenn & Dale J. Kraige (Agent: Kraft Builders)** request for a Special Use Permit, with possible conditions, in Agricultural (A-1) on a 7.57 acre tract to allow a private garage in excess of 850 square feet and sixteen (16) feet in height. The property is located at 1654 Smithfield Drive and is identified as Tax Parcel No. 16-1-19 (Account ID #006261) in the Mt. Tabor Magisterial District. The property lies in an area designated as Rural Expansion Area in the Comprehensive Plan.

The Zoning Administrator described the request and reported the Planning Commission found the request to be in conformance with the comprehensive plan and recommended approval subject to three conditions.

John Lyle, Kraft Builders, agent for the applicant, was available to answer any questions.

There being no further speakers, the public hearing was closed.

### **Special Use Permit**

**Quinter A. & Vicki W. Cook** request for a Special Use Permit, with possible conditions, in Agricultural (A-1) to allow a private garage in excess of 850 square feet and sixteen (16) feet in height. The property is located at 2898 Old Fort Road and is identified as Tax Parcel No. 52-7-C (Account ID #003949) in the Prices Fork Magisterial District. The property lies in an area designated as Rural Expansion Area in the Comprehensive Plan.

The Zoning Administrator described the request and reported the Planning Commission found the request to be in conformance with the comprehensive plan and recommended approval, subject to two conditions.

There being no speakers, the public hearing was closed.

### **Special Use Permit**

**Mildred Barnett** request for a Special Use Permit in Agriculture (A-1) on a 1.435 acre tract, with

possible conditions, on Tax Parcel No. 82-A-133C (Account ID #035888) for a flea market. Property is located at 353 Carolina Road in the Shawsville Magisterial District. The property lies in an area designated Conservation Area in the Comprehensive Plan.

The Zoning Administrator described the request and reported the Planning Commission found the request to be in conformance with the comprehensive plan and recommended approval, subject to four conditions.

Mildred Barnett Ms. Barnett described her request and indicated that she will not be operating a flea market, but will be selling new and used items out of her store. She stated that the Planning Commission recommended hours of operation to be Fridays, Saturdays and occasional holidays. She requested the hours of operation be changed to allow her to also be open during the week.

There being no further speakers, the public hearing was closed.

#### Rezoning Request

**Montgomery Primitive Baptist Church (Agent: Thayer Chaney)** requests to rezone 0.964 acres from Agriculture (A-1) to General Business (GB), with possible proffered conditions, to allow a retail appliance store. The property is located at 754 Triangle Street and is identified as Tax Parcel No. 67A-A-1 (Acct ID #'s 070556) in the Prices Fork Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

The Zoning Administrator described the request and reported the Planning Commission found the request to be in conformance with the comprehensive plan and recommended approval, subject to three conditions.

There being no speakers, the public hearing was closed.

#### Special Use Permit

**H. Wagner Young (Agent: Gregory S. Tully, Shenandoah Tower)** requests a Special Use Permit in Agriculture (A-1) on 20.3798 acres, with possible conditions, on Tax Parcel No. 104-A-58A (Account ID#033589) for a 170 foot telecommunication tower. The proposed tower is located adjacent to the existing structure at 2234 Zimmerman Lane in the Riner Magisterial District. The property lies within an area designated as a Rural Area in the Comprehensive Plan.

**This request was withdrawn at the request of the applicant, at the June 12, 2002 Planning Commission meeting.**

Special Use Permit

**Ernie R. Marshall (Agent: Gregory S. Tully, Shenandoah Tower)** requests a Special Use Permit in Agriculture (A-1) on 138.7329 acres, with possible conditions, on Tax Parcel No. 138-A-51 (Account ID#005526) for a 249 foot telecommunication tower. The property is located on the north side of Riner Road and the entrance to the proposed site is located approximately 250 feet west of the Harvest Road and Riner Road intersection in the Riner Magisterial District. The property lies within an area designated as a Conservation Area in the Comprehensive Plan.

The Zoning Administrator described the request and reported the Planning Commission **did not** find the request in compliance with the comprehensive plan and recommended **denial**. The following concerns were discussed by the Planning Commission:

1. The agent did not supply the information requested by staff, in order that an independent analysis of the propagation studies could be conducted.
2. The feasibility of achieving coverage through other co-location opportunities in the area.
3. Coverage currently exists in a portion of the area of the proposed tower.
4. The proposed location is in a non-preferred area per the telecommunication siting policies in the comprehensive plan.
5. The height of the tower (249 feet) would be visually intrusive.

James Creekmore, Attorney for U.S. Cellular addressed the Board. He stated that if the Board of Supervisors referred the request back to the Planning Commission, he would save his comments until such time that it was brought back to the Board.

Jimmy Snyder addressed the Board in support for the proposed cell tower. Mr. Snyder is the owner of Riverbend Nursery, and employees over 100 employees, who travel Route 8. He stated there is a lack of coverage for cell phones in the Riner area and is very difficult to receive and make calls. The lack of coverage is a safety concern and urged the Board to approve the request.

Ernie Marshall, applicant, spoke on behalf of his request. Mr. Marshall stated there is a need for a tower due to dead zones in the Riner area. He stated that this will help the fire and rescue members to stay in communication with each other. He asked the Board to approve his request.

Bruce Nicewander, Riner Fire Captain, addressed the Board in support of the proposed tower. Mr. Nicewander stated the proposed tower will improve coverage in the Riner area. Having more coverage and fewer dead spots will help improve their communication; therefore, fire and rescue response time will improve. Mr. Nicewander urged the Board to approve this request.

Greg Hutchins addressed the Board in support of the proposed tower. Mr. Hutchins is a volunteer on the Christiansburg Rescue Squad and spoke of the problems they have with coverage in the area. He explained there were times when their calls would not go through to dispatch, requiring them to drive several miles in order to reach dispatch and relay the information back in order to receive more help or additional trucks. The need for more coverage is evident, and he asked the Board to approve the request.

Matt Carroll addressed the Board in support of the proposed tower. Mr. Carroll is a Lieutenant on the Christiansburg Rescue Squad and hopes the Board approves this request. He asked the Board in the future to consider making it a requirement that fire and rescue and law enforcement be co-located on the towers.

Kelly Walters, Christiansburg Rescue Squad, addressed the Board in support of the proposed tower. Mr. Walters expressed the importance of cell towers and having good coverage for communication for fire and rescue. He urged the Board to approve this request.

Sharon Jones addressed the Board in support of the proposed tower. Ms. Jones owns a business in Riner and travels Route 8 daily. The proposed tower will be beneficial to the community, especially for the fire and rescue personnel. She asked the Board to consider approving this request.

Russell Drum addressed the Board in support of the proposed tower. Mr. Drum commented he owns a trucking company in Riner and his drivers travel Route 8 to Floyd daily. He stated there is no coverage in certain areas between Riner and Floyd County, which is a safety concern since his drivers rely on cell phones for communication. Mr. Drum urged the Board to approve this request. There being no further speakers, the public hearing was closed.

**Ernie R. Marshall - Request for a Special Use Permit - Refer Back to the Planning Commission**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia that Ernie R. Marshall's ( Agent: Gregory S. Tully, Shenandoah Tower) request for a Special Use Permit to allow a 249 foot telecommunications tower in A-1 on 138.7329 acres located on the north side of Riner Road is hereby referred back to the Planning Commission for review of additional information received and another recommendation at their July 10<sup>th</sup> or July 17<sup>th</sup> meeting.

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The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
Gary D. Creed		Larry N. Rush
James D. Politis		
C.P. Shorter		
Mary W. Biggs		

### **PUBLIC HEARINGS CONTINUED**

#### Amend Montgomery County Ordinance - Chapter 1

**An Ordinance Amending Chapter 1 Entitled Administration, Section 1-6 of the Code of the County of Montgomery, Virginia**, to Impose a Five Dollar Fee as Part of the Cost in Each Criminal or Traffic Case in District or Circuit Court for the Funding of Courthouse Security by the Sheriff and a Twenty-five Dollar Processing Fee on Any Individual Admitted to the County Jail Following Conviction to Defray the Sheriff's Costs of Processing Arrested Persons.

There being no speakers, the public hearing was closed.

#### Amend Montgomery County Ordinance - Chapter 2

**An Ordinance Amending Chapter 2 Entitled Administration, Section 2-33 of the Code of the County of Montgomery, Virginia** in Order to Eliminate the Assessment of a Penalty for Failure to File a Personal Property Return.

There being no speakers, the public hearing was closed.

#### Amend Montgomery County Ordinance - Chapter 2

**An Ordinance Amending Chapter 2 Entitled Administration, Section 2-92 of the Code of the County of Montgomery, Virginia**, in Order to Increase the Enhanced Emergency Telephone Tax from Thirty-five Cents Per Month to One-dollar Per Month and Further Describe What Costs May Be Paid by Amounts Collected from the Tax.

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There being no speakers, the public hearing was closed.

### **PUBLIC ADDRESS SESSION**

John Clark, Vice President of Human Resources, Rowe Furniture, addressed the Board on the location of the new Elliston Fire Station. Mr. Clark asked that the fire station be located in the Elliston/Lafayette Industrial Park. Rowe Furniture has over 800 employees and their safety is a main concern. If the placement of the fire station is considered in any other location he requested that Rowe Furniture be included in the discussion process.

Mary North addressed the Board on the Virginia Scenic River Designation. She believes this subject is related to the issue of the natural gas pipeline and is relevant to the County's Comprehensive Plan. The section of the Little River that was considered about ten years ago as a scenic river still qualifies. If the Little River was designated as a scenic river, would not affect the landowner's right to use the river and its banks, and does not impose any federal controls, rules or regulations. What designation does do is to establish an advisory committee comprised of local citizens appointed by the Governor to provide local governments a greater voice in federal or state projects which may impact the river. If the Little River was designated a scenic river it may not stop a natural gas pipeline, but it would enforce protection to the river, ensuring minimal disruption. Ms. North asked the Board to consider State Scenic River designation for the Little River.

Betty Costigan expressed concerns with tractor trailer traffic and speeding vehicles on James Street in Christiansburg. The tractor trailer traffic is coming from Reed Lumber Company due to the fact there is no turn around area for them located at Reed Lumber. She requested the speed limit be reduced from 35 mph to 25 mph. for safety reasons.

Chair Biggs explained that James Street is located in the Town of Christiansburg and she would forward Ms. Costigan's concerns to the Mayor.

Charlie Bowles addressed the Board concerning the proposed Greenbrier Pipeline and requested the Board's support in opposing the construction of the proposed gas pipeline through Camp Carysbrook. He also requested support for scenic river status for the Little River.

The County Attorney reported that on June 20<sup>2002</sup> he filed, on behalf of the Board, comments for consideration to the Federal Energy Regulatory Commission in its preparation of the Environment Impact Statement for the proposed pipeline. The Board strongly opposes the pipeline route going through Camp

Carysbrook or the Little River.

B.B. Strum thanked the Board for their support in opposing the proposed pipeline route going through Camp Carysbrook.

Rachel Walker thanked the Board for their support in opposing the proposed pipeline route going through Camp Carysbrook.

Marty Childress addressed the Board concerning the location of the new fire station in Elliston. Mr. Childress stated he supports a new fire station but is concerned with the idea of building it near the Montgomery/Roanoke County line. If the new station is built farther away from Shawsville, then a substation will need to be built. Mr. Childress also stated he owns an insurance company and fire insurance rates goes up with the relocation of fire stations.

Tom Dunkenberger addressed the Board concerning the location of a new fire station in Eastern Montgomery County. Mr. Dunkenberger stated he prefers to have a new station at the current site or closer to Shawsville. He believes it does not make sense to move it within one mile of the Roanoke County line. Mr. Dunkenberger stated that Sissan and Ryan would be willing to donate land for a new fire station if land could not be acquired closer to Shawsville.

There being no further speakers, the Public Address session was closed.

### **ADDENDUM**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously, the following addendum dated June 24, 2002 was added to the agenda under New Business:

#### **School Funds - Supplemental Appropriation - School Cafeteria Funds**

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	John A. Muffo
James D. Politis		Larry N. Rush
Gary D. Creed		
Annette S. Perkins		
Mary W. Biggs		

### **CONSENT AGENDA**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously, the Consent Agenda



dated June 24, 2002 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C.P. Shorter		Larry N. Rush
James D. Politis		
Gary D. Creed		
Mary W. Biggs		

### **Approval of Minutes Dated April 29, 2002**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously, the minutes dated April 29, 2002 were approved.

### **Fire Program Fund Allocation**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

23311 Fire Program Fund Distribution	\$35,896
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
424401 Fire Program Fund Distribution	\$35,896

Said resolution appropriates funds received from the Fire Program Fund for use by volunteer fire departments.

### **Sheriff- Recovered Costs**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the

General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

310	Sheriff-State	\$ 2,385
320	Sheriff - County	\$32,834
321	Sheriff-Grants	<u>\$ 344</u>
	Total	\$35,563

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

441101	Insurance Recoveries	\$ 2,385
419108	Recovered Costs- Sheriff	\$32,834
424401	Grants	<u>\$ 344</u>
	Total	\$35,563

Said resolution appropriates recovered costs from insurance recoveries, overtime for deputies working ballgames, etc., and the Project Lifesaver Grant.

**Dog and Cat Sterilization - Supplemental Appropriation**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

510	Dog and Cat Sterilization	\$ 1,951
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

413101	Dog and Cat Sterilization	\$1,951
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Said resolution appropriates monies received as part of the Dog and Cat Sterilization Program.

**RSVP Grant**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

520	RSVP	\$2,170
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Revenue Accounts:

433107	RSVP-Grant	\$2,170
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Said resolution appropriates additional funds received for administrative costs.

**Parks and Recreation - Supplemental Appropriation**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriations for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

700	Parks and Recreation	\$7,365
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The sources of funds for the foregoing appropriation is as follows:

Revenue Account:

02700 419108	Recovered Costs	\$7,365
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Said resolution appropriates reimbursement received from the Montgomery County Public Schools for the Century 21 Grant Program.

**General Services - Supplemental Appropriation**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriations for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

400	General Services	\$1,212
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The sources of funds for the foregoing appropriation is as follows:

Revenue Account:

02700 419108 Recovered Costs	\$1,212
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Said resolution appropriates reimbursement received from bond proceeds.

**Library - Appropriation Adjustment**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

710	Montgomery Library	\$12,495
720	Floyd Library	<u>\$ 327</u>
	Total	\$12,822

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02710-415103 Sale of Photocopies	(\$2,930)
02710-416152 Library Fees	\$10,662
02710-416158 Donations	\$ 650
02710-419108 Recovered Costs	\$ 288
02710-424401 Outreach Grant	\$ 3,825
02720-419108 Recovered Costs	<u>\$ 327</u>
Total	\$12,822

Said resolution adjusts the appropriation for use by the Library.

**Reconciliation of Compensation Board Budgets - Full Time Salaries**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund revenue and expenditures for the fiscal year ending June 30, 2003 are adjusted, for the function and in the amount as follows:

150	Commissioner of Revenue	(\$ 3,112)
160	Treasurer	(\$ 4,731)
250	Circuit Court Clerk	(\$ 15,005)
310	Sheriff	<u>\$ 44,556</u>
	Total	\$ 21,708

The sources of the funds for the foregoing adjustment is as follows:

Revenue Account

423100	Shared Expense	\$34,065
451205	(To)/From Undesignated Fund Balance	<u>(\$12,357)</u>
	Total	\$21,708

Said resolution adjusts the Constitutional Officers' budgets to reconcile with the Compensation Board approved amounts.

**Addition to the Secondary System of State Highways - Preston Forest Phase 7**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The street described below is shown on a plat in the Clerk's Office of the Circuit Court and was established prior to 1969 and currently serves at least 3 families per mile; and

WHEREAS, The Virginia Department of Transportation has deemed this county's current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia; and

WHEREAS, After examining ownership of all property abutting the street, this Board finds that speculative interest does not exist.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia requests the Virginia Department of Transportation to add the following street to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia:

ADDITION:

Preston Forest Phase 7

<u>Name of Street:</u>	<u>Length</u>
South Jefferson Forest Lane ( SR 818)	

From: End of State Maintenance SR 818        0.45  
To: Cul-de-sac  
Plat Recorded: January 29, 2002  
Plat Book 23 Page 6 & 7

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way of 50', as described, and any necessary easements for cuts, fills, and drainage; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**Final Plat - The Ridges Phase 4**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The Ridges Phase 4 consists of 8 lots located on Ridge Road (SR 1052) and has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance).

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of The Ridges Phase 4 (John D. Abbott Job No.99100CN dated June 15, 2001 and most recently revised May 23, 2002), Mt. Tabor Magisterial District.

FURTHER, The Chairman is hereby authorized to sign said plat for recordation.

**Chair Biggs moved Item J under New Business Titled- “ Resolution of Appreciation - Virginia Tech Cooperative Extension - Joyce Martin” before Old Business in order for Doctor Martin to be present during the vote.**

**Resolution of Appreciation - Virginia Tech Cooperative Extension-Joyce Martin**

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously,

***WHEREAS, Joyce Martin*** has served the Montgomery County community since 1978 as Virginia Tech Cooperative Extension Agent, directing the Montgomery County 4-H Youth program; which

in recent years has involved more than 4,000 children and over 200 volunteer leaders in a variety of educational programs; and

**WHEREAS, Joyce Martin** has been dedicated to recruiting, training and managing a large group of volunteers to implement 4-H educational projects such as Forestry & Wildlife, Veterinary Science, Water Quality, Shooting Sports, Computer Skills and Livestock; and organizing the annual 4-H Fair to provide an opportunity for 4-H members to showcase their achievements to the public; and

**WHEREAS, Joyce Martin** is a professional educator who has devoted her career to the youth of Montgomery County and has enjoyed watching the development of these young people as they have become productive members of society.

**NOW, THEREFORE, BE IT RESOLVED,** The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, expresses appreciation to **Joyce Martin** for her outstanding service to the citizens of Montgomery County and wish her the very best as she retires from her position on June 30, 2002 after 25 years of service in Montgomery County.

**BE IT FURTHER RESOLVED,** That the original of this resolution be presented to **Joyce Martin** and a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Annette S. Perkins		Larry N. Rush
C.P. Shorter		
James D. Politis		
Mary W. Biggs		

## **OLD BUSINESS**

### **Ordinance Amending Chapter 1 Entitled Administration, Section 1-6**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

## **ORDINANCE 2002-9**

**AN ORDINANCE AMENDING CHAPTER 1 ENTITLED ADMINISTRATION, SECTION 1-6 OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA ,IN ORDER TO IMPOSE A FIVE DOLLAR FEE AS PART OF THE COST IN EACH CRIMINAL OR TRAFFIC CASE IN DISTRICT OR CIRCUIT COURT FOR THE FUNDING OF COURTHOUSE SECURITY BY THE SHERIFF AND A TWENTY-FIVE DOLLAR PROCESSING FEE ON ANY INDIVIDUAL ADMITTED TO THE COUNTY JAIL FOLLOWING CONVICTION TO DEFRAY THE SHERIFFS COSTS OF PROCESSING ARRESTED PERSONS**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 1, Section 1-6 of the Code of the County of Montgomery, Virginia shall be amended and reordained as follows:

**Sec. 1-6. Classification of and penalties for violations; continuing violations.**

(a) Whenever in this Code or any other ordinance of the county, or any rules or regulations promulgated by any officer or agency of the county, under authority duly vested in such officer or agency, it is provided that a violation of any provision thereof shall constitute a class 1, 2, 3 or 4 misdemeanor, such violation shall be punished as provided in Code of Virginia, section 18.2-11.

(b) Whenever in any provision of this Code or in any other ordinance of the county, or any rule or regulation promulgated by an officer or agency of the county, under authority duly vested in such officer or agency, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided for the violation of such provision and such violation is not described as being of a particular class of misdemeanor, such violation shall constitute a class 1 misdemeanor.

(c) Notwithstanding any other provision of this section or any other section of this Code or any ordinance, rule or regulation, no penalty for the violation of this Code or other ordinance, rule or regulation of the county shall exceed that prescribed by state law for a like offense.

(d) Each day any violation of this Code or any other ordinance, rule or regulation referred to in this section shall continue shall constitute a separate offense, except where otherwise provided.

(e) The board of supervisors may bring suit in the circuit court to restrain, enjoin or otherwise prevent a violation of this Code.



(f) Pursuant to Section 17.1-281 of the Code of Virginia, 1950, as amended, that a fee of two dollars (\$2.00) is hereby assessed as additional costs in each civil, criminal or traffic case in General District Court, Juvenile Domestic Relations Court, and Circuit Court, the proceeds of this assessment shall be used for the construction, renovation or maintenance of courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance.

(g) Pursuant to section 53.1-120 of the Code of Virginia, 1950, as amended, a fee of five dollars (\$5.00) is hereby assessed as additional costs in each criminal or traffic case in General District Court and Circuit Court in which the defendant is convicted of a violation of any statute or ordinance. This assessment shall be collected by the clerk of court in which the case is heard, and remitted to the Montgomery County Treasurer. The Board of Supervisors shall appropriate these fees to the Montgomery County Sheriff's Office for the funding of courthouse security personnel.

(h) Pursuant to Section 15.2-1613.1 of the Code of Virginia, 1950, as amended, a processing fee of twenty-five dollars (\$25.00) is hereby assessed on any individual admitted to the Montgomery County Jail following conviction. This processing fee shall be ordered as a part of court costs collected by the clerk of the appropriate court and deposited into the account of the Montgomery County Treasurer. The Board of Supervisors shall appropriate this processing fee to the Montgomery County Sheriff's Office to defray the costs of processing arrested persons into the Montgomery County Jail.

BE IT FURTHER ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that the imposition of these two fees shall not become effective until July 1, 2002, or as soon thereafter that the Ordinance is approved, which ever is sooner.

ADOPTED By the Board of Supervisors of the County of Montgomery, Virginia, this 24<sup>th</sup> \_ day of June 2002.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Gary D. Creed		Larry N. Rush
Annette S. Perkins		
C.P. Shorter		
Mary W. Biggs		

**An Ordinance Amending Chapter 2 Entitled Administration, Section 2-33**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

**ORDINANCE 2002-10**

**AN ORDINANCE AMENDING CHAPTER 2  
ENTITLED ADMINISTRATION, SECTION 2-33 OF THE  
CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA  
IN ORDER TO ELIMINATE THE ASSESSMENT  
OF A PENALTY FOR FAILURE TO FILE  
A PERSONAL PROPERTY RETURN**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 2, Section 2-33 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

**Sec. 2-33. Failure to file; late payment; interest; etc.**

~~A penalty is hereby imposed and shall be exacted, not exceeding ten (10) percent of the tax past due on such property or the sum of two dollars (\$2.00), whichever shall be greater, for failure to file the return provided for in section 2-32; provided, however, that the penalty shall in no case exceed the amount of the tax assessable. In addition,~~ A penalty is hereby imposed and shall be exacted, not exceeding ten (10) percent of the tax past due on such property, for nonpayment of taxes in time; provided, however, that in no case shall the penalty exceed the amount of tax due. ~~The assessment of such penalties shall not be deemed a defense to any criminal prosecution for failing to make return of taxable property as required by section 2-32. The penalty for failure to file the required return shall be assessed on the day after such return is due;~~ The penalty for failure to pay any tax may be assessed on the day after such is due. Except as may be provided by law, no penalty shall be imposed for any assessment made later than two (2) weeks prior to the day on which the taxes are due, if such assessment is made thereafter through the fault of a local official and if such assessment is paid within two (2) weeks after the notice thereof is mailed.

Interest on delinquent taxes is hereby imposed and shall be exacted at the maximum rate authorized by state law. Interest shall commence on the first day of the month following the month in which such taxes are due to be paid.

Any person who intentionally fails to file the return provided for in section 2-32 shall be deemed guilty of a class 3 misdemeanor.

BE IT FURTHER ORDAINED, By the Board of Supervisors, that the elimination of the assessment of a penalty for failure to file a personal property return is hereby effective retroactively to January 1, 2002.

ADOPTED By the Board of Supervisors of the County of Montgomery, Virginia, this 24<sup>th</sup> \_ day of June 2002.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Annette S. Perkins		Larry N. Rush
C.P. Shorter		
James D. Politis		
Mary W. Biggs		

**Ordinance Amending Chapter 2 Entitled Administration, Section 2-92**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

**ORDINANCE 2002-11  
AN ORDINANCE AMENDING CHAPTER 2  
ENTITLED ADMINISTRATION,  
SECTION 2-92 OF THE CODE OF THE COUNTY  
OF MONTGOMERY, VIRGINIA, IN ORDER TO INCREASE  
THE ENHANCED EMERGENCY TELEPHONE TAX FROM  
THIRTY-FIVE CENTS PER MONTH TO ONE-DOLLAR  
PER MONTH AND FURTHER DESCRIBE WHAT  
COSTS MAY BE PAID BY AMOUNTS COLLECTED  
FROM THE TAX**

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 2, Section 2-92 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

**Sec. 2-92. Enhanced emergency telephone tax.**

(a) There is hereby imposed and levied by the county, upon every purchaser of local telephone service, a tax in the amount of one dollar (\$1.00) ~~eighty-three cents (\$0.83)~~ per month. This tax shall be paid by the purchaser to the seller of local telephone service or services provided by any corporation subject to the provisions of Chapter 26 (§58.1-2600 et seq.) of Title 58.1 of the Code of Virginia, 1950, as amended, for the use of the county to pay for reasonable, direct recurring or non-recurring capital costs and operating expenses incurred by a public safety answering point in designing, upgrading, leasing,

~~purchasing, programming, installing, testing, administering, delivering, or maintaining all necessary data, hardware and software required to receive and process emergency telephone calls through an E-911 system, including salaries and fringe benefits of dispatchers and direct call-takers of an E-911 system and costs incurred in training dispatchers and direct call-takers in receiving and dispatching emergency telephone calls and the salary and fringe benefits of the public safety answering point director or coordinator so long as such person has no other duties other than the responsibility for the public safety answering point, the initial capital, installation and maintenance costs of its E-911 system. When the total initial capital and installation costs are paid, or at the end of twenty-four (24) months, whichever occurs first, the tax shall be reduced to thirty-five cents (\$0.35) per month, and it will be used exclusively to pay the recurring maintenance costs of the E-911 system. The county treasurer shall notify the seller of the date on which the tax is to be reduced under this section. This notification will be sent by certified mail to the registered agent of the seller sixty (60) days in advance of the date on which the tax is to be reduced.~~

(b) It shall be the duty of every seller, in acting as the tax collecting medium or agency for the county, to collect from the purchaser for the use of the county the tax hereby imposed and levied at the time of collecting the purchase price charged therefor, and the taxes collected during each calendar month shall be reported by each seller to the commissioner of the revenue of the county on or before the last day of the calendar month thereafter, together with the name and address of any purchaser who has refused to pay his tax. Simultaneously therewith, the seller shall file a copy of such report with and remit to the treasurer of the county the taxes so collected and reported. The required report shall be in the form prescribed by the commissioner of the revenue. The tax levied or imposed under this section with respect to the purchase of local telephone service shall be applicable to charges first appearing on bills rendered for service provided after August 1, 1988.

(c) The county treasurer shall be charged with the power and the duty of collecting the taxes levied and imposed hereunder and shall cause the same to be paid into the general treasury of the county.

(d) Each and every seller shall keep complete records showing all purchases in the county, which records shall show the price charged against each purchaser with respect to purchase, the date thereof and the date of payment thereof and the amount of tax imposed hereunder, and such records shall be kept open for inspection by the duly authorized agents of the county, who shall have the right, power and authority to make transcripts thereof during such times as they may desire.

(e) In all cases where the seller collects the price of utility services periodically, the tax hereby imposed and levied may be computed on the aggregate amount of purchases during such period, provided that the amount of the tax to be collected shall be the nearest whole cent to the amount computed.

(f) The United States of America, the state, and the political subdivisions, boards, commissions and authorities and consumers of CMRS, as such term is defined in Section 56-484.12 of the Code of Virginia, 1950, as amended, thereof are hereby exempt from the payment of the tax imposed and levied by this section.

(g) Any purchaser failing, refusing or neglecting to pay the tax hereby imposed or levied, and any seller violating the provisions hereof, and any officer, agent or employee of any misdemeanor and, upon conviction therefor, shall be subject to a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00). Such conviction shall not relieve any such person from the payment of the tax. Each failure, refusal, neglect or violation and each day's continuance thereof will constitute a separate offense.

(h) The following words and phrases when used in this section shall, for the purposes of this section, have the following respective meanings, except where the context clearly indicates a different meaning.

- (1) *E-911 system* means a *telephone* service which utilizes a computerized system to automatically route emergency *telephone* calls placed by dialing the digits "911" to the proper public safety answering point serving the jurisdiction from which the emergency *telephone* call was placed. An E-911 system includes selective routing of *telephone* calls, automatic *telephone* number identification, and automatic location identification performed by computers and other ancillary control center communications equipment.
- (2) *Public safety answering point* means a communications facility operated on a twenty-four (24) hour basis which first receives E-911 calls from persons in an E-911 service area and which may, as appropriate, directly dispatch public safety services or extend, transfer or relay E-911 calls to appropriate public safety agencies.
- (3) *Public safety agency* means a functional division of a public agency which provides firefighting, police, medical or other emergency services or a private entity which provides such services on a voluntary basis.
- (4) *Local telephone service* shall mean switched local exchange access service.

(i) The provisions of this section shall not apply within the limits of any incorporated town located within the county, which town now or hereafter imposes a town tax on consumers of local *telephone* service or services provided by any public service corporation; provided, that such town (1) provides police or fire protection and water or sewer service or (2) constitutes a special district under a town school board of three (3) members appointed by the town council.

(j) Whenever the tax levied by this section is collected by the seller acting as a tax collecting medium or agency for the county in accordance with paragraph (b), such seller shall be allowed, as compensation for the collection and remittance of this tax, three (3) percent of the amount of tax due and accounted for. The seller shall deduct this compensation from the payments made to the county treasurer in accordance with paragraph (b).

BE IT FURTHER ORDAINED, that this increase in the enhanced emergency telephone tax shall be effective 120 days subsequent to written notice by certified mail from the County Administrator, being received by the registered agent of the service provider that is required to collect the tax.

ADOPTED By the Board of Supervisors of the County of Montgomery, Virginia, this 24<sup>th</sup> \_ day of June 2002.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C.P. Shorter		Larry N. Rush
James D. Politis		
Gary D. Creed		
Mary W. Biggs		

**Remove from the Table - School Board Request - Lease Revenue Bond Proceeds**

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Montgomery County School Board's request to use \$47,000 of Lease Revenue Bond proceeds for payment of consulting fees to develop a plan for the re-use of Blacksburg Middle School, Christiansburg Middle School, Shawsville Middle School, and Bethel Elementary School, and future plans for Elliston Lafayette Elementary and Price's Fork Elementary Schools is hereby **REMOVED FROM THE TABLE**

.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	James D. Politis	John A. Muffo
James D. Politis		Larry N. Rush
Gary D. Creed		
Annette S. Perkins		
Mary W. Biggs		

### **Schools - Lease Revenue Bond Proceeds**

On a motion by Annette S. Perkins, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County, Virginia by resolutions dated July 24, 2000 and October 9, 2001 agreed to issue bonds to cover the cost of acquisition, construction, and equipping of certain improvements and renovations to County schools and related facilities including the Blacksburg Middle School, Christiansburg Middle School and other capital improvements to the County; and

WHEREAS, The Board of Supervisors issued debt totaling \$24,305,000 in November, 2000 and \$24,495,000 ( \$16,995,000 Lease Revenue Bonds and \$7,500,000 in VPSA) in November, 2001 for this purpose; and

WHEREAS, The Montgomery County School Board has asked to use \$47,000 of these funds to cover the cost of consulting fees to develop a plan for the re-use of certain schools and the future plans for two other schools.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby authorizes the use of \$47,000 of Lease Revenue bond proceeds for payment of consulting fees to develop a plan for the re-use of Blacksburg Middle School, Christiansburg Middle School, Shawsville Middle School, and Bethel Elementary School, and future plans for Elliston Lafayette Elementary and Price's Fork Elementary Schools.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	John A. Muffo
James D. Politis		Larry N. Rush
Gary D. Creed		
Annette S. Perkins		
Mary W. Biggs		

### **NEW BUSINESS**

#### **Revised Purchasing Policy**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The Commonwealth of Virginia has adopted legislation known as the Virginia Public Procurement Act (Chapter 43 of Title II, Section 2.2-4300 et seq.); and

WHEREAS, By resolution adopted on the 14<sup>th</sup> day of February, 1984, the Board of Supervisors of Montgomery County, Virginia, enacted procedures for the procurement of goods and services for the County, which resolution has been amended from time to time, most recently having been on April 8, 2002; and

WHEREAS, The Board of Supervisors now deems it to be in the best interest of the County to again amend the resolution of February 14, 1984 so as to provide for changes in small purchase procedures.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Procurement Resolution of February 14, 1984 is hereby amended and reordained as follows:

1. The small purchase procedures are increased from \$30,000 to \$50,000.

FURTHER, BE IT RESOLVED, All officers, offices, departments and agencies of Montgomery County will comply with this Act.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	John A. Muffo
James D. Politis		Larry N. Rush
Gary D. Creed		
Annette S. Perkins		
Mary W. Biggs		

### **House Bill 1212 - Relating to Zoning-Manufactured Housing**

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

WHEREAS, In the 2002 General Assembly Session, the House Committee on Counties, Cities and Towns considered House Bill 1212; and

WHEREAS, House Bill 1212 mandated that localities were required to treat certain manufactured homes the same as site-built homes for purposes of local zoning regulatory standards; and



WHEREAS, The House Committee on Counties, Cities and Towns voted to continue House Bill 1212 until the 2003 General Assembly Session; and

WHEREAS, Because House Bill 1212 is a further attempt by the Commonwealth of Virginia to erode the localities power to make land-use decisions within its jurisdiction, the Board of Supervisors desires to oppose House Bill 1212.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby opposes the passage of House Bill 1212 because it is another attempt by the Commonwealth of Virginia to infringe upon local land use authority which is best left to the local governing body as opposed to the General Assembly in Richmond; and

BE IT FURTHER RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia, hereby directs the County Administrator to forward this Resolution to the individual General Assembly members who represent the County of Montgomery and ask for their support in opposing this legislation.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Gary D. Creed		Larry N. Rush
Annette S. Perkins		
C.P. Shorter		
Mary W. Biggs		

### **2003 Legislative Priorities**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

### **Montgomery County's Legislative Priorities for 2003**

BE IT RESOLVED, The Montgomery County Board of Supervisors hereby adopts their 2003 legislative priorities as follows:

### **FINANCE**

***Unfunded mandates*** Montgomery County continues to oppose unfunded mandates from the state or federal government.

***Compensation Board*** Montgomery County supports full state funding for positions and operational costs for constitutional offices.

***Judicial System*** Montgomery County supports legislation to provide adequate state funding for support personnel, offices and equipment for any judicial position it creates.

***Interest on Erroneously Assessed Taxes*** Montgomery County supports amending 58.1-3916 of the Code of Virginia, 1950, as amended, to add language stating that a locality does not have to provide for interest on overpayments due to erroneously assessed taxes when an act or omission on the taxpayers part contributed to the erroneous assessment.

***Local Revenue*** If the General Assembly removes or curtails **any local revenue source**, Montgomery County insists that the General Assembly fully replace the lost local revenue with state funds in amounts to capture projected economic growth and local need. If the state chooses to curtail any local revenue sources, Montgomery County would support the state becoming fully responsible for services currently provided by local governments in a dollar amount no less than any lost local revenues plus any growth in costs of such services. Montgomery County opposes any effort to restrict or limit the growth of real estate revenue, real estate assessments or real estate tax rates.

Montgomery County supports legislation to provide local governments the authority to levy impact fees to pay for cost of capital facilities for new developments, including road construction and maintenance.

***Portion of Income Taxes Returned to Localities*** Montgomery County supports legislation to distribute a percentage of individual income tax revenues to localities, or the authority to levy a local income tax.

***Local Option Sales and use tax*** Montgomery County supports a “hold harmless” provision to ensure localities are not subject to a loss of revenue due to the reduction in this tax.

***Merchants Capital and BPOL Tax*** Montgomery County supports a “hold harmless” provision to ensure localities are not subject to a loss of revenue due to the reduction in this tax.

***Impact on local tax base of state-owned land*** Montgomery County requests that the Joint Legislative Audit and Review Commission (JLARC) prepare a financial impact analysis of real estate taxes that would have been received from land and buildings owned by Virginia Polytechnic Institute and State University, the Virginia Tech Foundation, and Radford University Foundation to determine the loss in revenue to Montgomery County.

***Situs for Taxation*** Montgomery County supports legislation amending Section 58.1-3511A of the Code of Virginia, 1950, as amended, requiring that situs for the assessment and taxation of tangible personal property, merchant's capital and machinery and tools (would not include motor vehicles, travel trailers, boats and airplanes which are already assessed based on where they are "normally garaged, docked or parked") be the county, district, town or city in which the property is "normally used, located or held out for sale" instead of where the property "may be physically located on tax day". The purpose of the change is to prevent tax payers from being able to move their tangible personal property, merchants capital or machinery and tools out of the locality where the property is normally kept throughout the year on "tax day" in order to avoid being assessed for the tax by claiming that the property was not "physically located" in the locality on tax day.

***Equal Taxing Authority*** Montgomery County supports legislation to eliminate the distinction in the taxing authority of Virginia's cities and counties.

***Study on Restructuring Tax Law*** Montgomery County supports a timely conclusion to the study on restructuring tax laws by seeking out and incorporating local government input into the study recommendations, and expeditiously enacting legislation to implement these recommendations.

## **LAND USE**

***Land Use*** Montgomery County supports legislation that requires state agencies to comply with local land use ordinances.

***Local Zoning Regulatory Standards*** Montgomery County opposes legislation which constrains local authority over land use issues; and therefore; opposes legislation that would mandate localities to treat certain manufactured homes the same as site-built homes for purposes of local zoning regulatory standards.

## **EDUCATION**

***School Funding*** Montgomery County supports enhanced funding for public education, including increasing the funds available for distribution to localities through the Literary Loan Fund or other innovative revenue sources. Montgomery County supports full funding of SOQ so that a redistribution of existing state aid among jurisdictions does not occur without an increase of state funds. Further, the SOQ funding should adequately support 100% of the costs of the SOL program. Montgomery County supports state funding allocated for teacher pay raises based on actual positions, not just positions recognized in the SOQ. ***Montgomery County supports "cost for competing Add-on" funding for all Virginia School Districts.***

***JLARC Recommendations*** Montgomery County supports the phasing in of the Joint Legislative Audit and Review Commission (JLARC) recommendations for state funding of public education K-12.

***School Construction*** Montgomery County supports adequate state funding for school construction and renovations.

***School Technology*** Montgomery County supports state funding for annual technology upgrades and replacements.

### **HEALTH, HUMAN AND SOCIAL SERVICES**

***Comprehensive Services Act (CSA)*** Montgomery County supports full state funding for 100% of the costs of CSA.

***Health Department*** Montgomery County supports full state funding for 100% of the costs of the Health Department.

### **ENVIRONMENT AND AGRICULTURE**

***Water and Sewer availability fees*** Montgomery County supports legislation that would grant counties the authority to enact water and sewer availability fees, and mandatory water and sewer connection powers.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Gary D. Creed		Larry N. Rush
Annette S. Perkins		
C.P. Shorter		
Mary W. Biggs		

### **Appropriation - Fiscal Year 2002-2003 Budget**

On a motion by Gary D. Creed, seconded by Annette S. Perkisn and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the following appropriation for the fiscal year ending June 30, 2003 be and the same is hereby made effective July 1, 2002 for the organizations indicated as follows:

**EXPENDITURE  
ACCOUNTS  
TO BE APPROPRIATED**

**1. GENERAL FUND**

100	Board of Supervisors	\$	175,075
110	County Administrator		806,817
120	County Attorney		170,629
130	Financial and Management Services		470,109
132	Insurance		133,884
140	Information Management Services		744,175
150	Commissioner of Revenue		488,494
152	Assessment - 100% County		368,971
153	Reassessment		100,000
160	Treasurer		498,730
162	Collections - 100% County		349,314
170	Registrar		243,007
180	Internal Services		369,143
200	Commonwealth Attorney		523,916
210	Circuit Court		128,018
220	General District Court		23,744
230	Juvenile and Domestic Relations Court		11,637
240	Magistrate		4,550
250	Circuit Court Clerk - 100% County		507,310
310	Sheriff-Co/State Support		4,946,517
320	Sheriff-County Support		506,179
330	Fire and Rescue		544,565
400	General Services		3,305,288
510	Comprehensive Services Act		930,225
520	Human Services		268,648
530	Public Health		348,817
540	Social Services		4,346,926
700	Parks and Recreation		545,418
710	Regional Library		1,490,593
800	Planning and Inspections		658,057
810	Economic Development		267,720

900	Revenue Refunds	104,456
910	Other Agencies	731,448
920	General Government Debt Service	2,506,984
950	Contingencies - General	305,640
960	Contingencies - Special	56,593
990	Adjustments for Internal Services	<u>(64,059)</u>
	<b>TOTAL GENERAL FUND</b>	<b>\$ \$27,917,538</b>

## **2. LAW LIBRARY FUND**

290	Law Library	<b>\$ 17,600</b>
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## **3. 600 SCHOOL OPERATING FUND**

610	Instruction	51,840,569
620	Administration, Attendance, and Health	2,230,312
630	Pupil Transportation	2,926,430
640	Operations and Maintenance	8,900,333
650	Other Non-Instructional Operations	45,778
700	Debt Service	<u>7,181,333</u>
	<b>TOTAL SCHOOL OPERATING FUND</b>	<b>\$ 73,124,755</b>

<b>4.</b>	<b>621</b>	<b>SCHOOL ECIA FUND</b>	<b>\$ 1,311,465</b>
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<b>5.</b>	<b>651</b>	<b>SCHOOL CAFETERIA FUND</b>	<b>\$ <u>2,897,073</u></b>
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	<b>TOTAL SCHOOL SPECIAL FUNDS</b>	<b>\$ 4,208,538</b>
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	<b>GRAND TOTAL EXPENDITURES</b>	<b>\$ 105,268,431</b>
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The source of funds for the foregoing appropriation is as follows:

## **ESTIMATED RESOURCES**

### **1. GENERAL FUND**

A. REVENUE		
General Property Taxes	\$	42,186,831
Other Local Taxes		8,071,379
Other Undesignated Revenue		1,333,157
Resources Designated by Department		11,520,378
Fund Balance		<u>280,000</u>
<b>Subtotal</b>	<b>\$</b>	<b>63,391,745</b>
 B. OTHER		
Transfers to School Operating Fund:		(28,292,874)
Transfers to School Operating Fund-Debt Service		<u>(7,181,333)</u>
<b>Subtotal</b>	<b>\$</b>	<b>(35,474,207)</b>
 <b>TOTAL GENERAL FUND RESOURCES:</b>	<b>\$</b>	<b>27,917,538</b>

### **2. LAW LIBRARY FUND**

A. REVENUE	\$	15,000
B. USE OF FUND BALANCE		<u>2,600</u>
 <b>TOTAL LAW LIBRARY FUND RESOURCES</b>	<b>\$</b>	<b>17,600</b>

### **3. SCHOOL OPERATING FUND**

A. REVENUE	\$	37,650,548
B. TRANSFER FROM GENERAL FUND		<u>35,474,207</u>
 <b>TOTAL SCHOOL OPERATING FUND</b>	<b>\$</b>	<b>73,124,755</b>

### **4. SCHOOL CAFETERIA FUND RESOURCES**

<b>5. ECIA (ESEA) FUND RESOURCES</b>	<b>\$</b>	<b><u>1,311,465</u></b>
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**GRAND TOTAL ALL RESOURCES                      \$ 105,268,431**

FURTHER, The Treasurer is hereby authorized to make the necessary transfers between funds as required to keep expenditure accounts appropriated by the Board of Supervisors and revenue estimates approved by the Board of Supervisors in balance by Fund.

FURTHER, The Treasurer is hereby authorized to make the necessary wire transfers, as appropriate.

Said resolution appropriates the budget for fiscal year 2002-2003. The monies budgeted in Special Contingencies to regrade the Compensation Plan have been removed from this account and distributed to the applicable divisions.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C.P. Shorter		Larry N. Rush
James D. Politis		
Gary D. Creed		
Mary W. Biggs		

**Capital Improvement Program - Capital Projects Fund**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Capital Projects Fund is granted an appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

12	County Capital Projects	
700	Mid-County Park	\$235,000
700	Coal Miner's Park	\$150,000
330	Elliston Fire Department/Brush Truck	\$ 35,000
330	Christiansburg Rescue /Ambulance Replacement	\$110,000
330	Shawsville Rescue/Ambulance Replacement	\$120,000
330	Longshop/McCoy Rescue/Ambulance Replacement	\$ 90,000
	Total	\$737,000



The source of funds for the foregoing appropriation is as follows:

Revenue:

General Fund Balance	\$705,500
Grant Proceeds	<u>\$ 31,500</u>
Total	\$737,000

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C.P. Shorter		Larry N. Rush
James D. Politis		
Gary D. Creed		
Mary W. Biggs		

**Industrial Development Authority - Debt Service Payments - Blacksburg Shell Building**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003 for the function and in the amount as follows:

810 Economic Development	\$214,532
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The source of funds for the foregoing appropriation is as follows:

Revenue Account

02451203 Undesignated Fund Balance-Debt Service Reserve \$214,532

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Administrator shall authorize each monthly advance to the Industrial Development Authority.

Said resolution appropriates monies received from the Debt Service Reserve to cover debt service payments on the Blacksburg Shell Building through September 30, 2002 , if needed, through monthly advances to the Industrial Development Authority authorized by the County Administrator.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	John A. Muffo
James D. Politis		Larry N. Rush
Gary D. Creed		
Annette S. Perkins		
Mary W. Biggs		

**Commissioner of Revenue - Supplemental Appropriation**

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

150	Commissioner of Revenue	\$5,107
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The sources of funds for the foregoing appropriation is as follows:

Revenue Account:

02 451203	Undesignated Fund Balance	\$5,107
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Said resolution appropriates general fund balance to the Commissioner of Revenue to cover leave balances for a long-time employee who is retiring.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C.P. Shorter		Larry N. Rush
James D. Politis		
Gary D. Creed		
Mary W. Biggs		

## **Parks and Recreation Commission By-Laws**

On a motion by James D. Politis, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves the Parks and Recreation Commission by-laws dated June 5, 2002, as follows:

### **BY – LAWS FOR THE COUNTY OF MONTGOMERY PARKS AND RECREATION COMMISSION**

The Montgomery County Parks and Recreation Commission, established in conformance with the resolution adopted by the Board of Supervisors on September 3, 1975, has adopted the following articles in order to facilitate its power and duties in accordance with the provisions of Chapter 18, Section 15.2-1806 of the 1950 Code of Virginia as amended, and the ordinances of Montgomery County, Virginia:

#### **ARTICLE 1**

That there is hereby created a Commission to be known as the Montgomery County Parks and Recreation Commission, hereinafter referred to as “the Commission”.

#### **ARTICLE 2**

##### **Purpose of the Commission**

The purpose of the Commission is to serve as an advisory Committee to the Board of Supervisors in respect to leisure recreation opportunities and facilities for all residents of Montgomery County. They shall be charged with making recommendations to the Board of Supervisors concerning recreation programs and park facilities designed by the local governing body.

#### **ARTICLE 3**

##### **Membership**

Section 1. The Commission shall be appointed by the Montgomery County Board of Supervisors and shall consist of nine (9) members. The appointed term shall be three (3) years.

Terms shall expire on December 31<sup>st</sup> of each year. Upon the expiration of their original terms of office, each succeeding term shall be for three (3) years and until their successors qualify for office. No Commissioner may serve for more than two consecutive three year terms.

- Section 2. The Commission shall be appointed by the Board of Supervisors According to the following schedule:  
One (1) member from each of the election districts in the County: 2) Two (2) members at large from Montgomery County. The Director of Parks and Recreation shall serve as non-voting, ex-officio member to the Commission.
- Section 3. The Chairman of The Board of Supervisors may, by and with consent of the Board, remove any member of the Commission for misconduct or neglect of duty.
- Section 4. Three consecutive absences constitutes a resignation except in case of sickness or emergency, with notification within ten (10) days of the meeting.
- Section 5. Vacancies occasioned by removal, resignation, or otherwise shall be reported to the Board of Supervisors and shall be filled in like manner as original appointments except that the term of office is restricted to the unexpired term of office. The Commissioner fulfilling the unexpired term of a vacated Commissioner may be appointed for two more consecutive terms.
- Section 6. Commission members may be compensated as the governing body so directs. Members shall be reimbursed for travel and subsistence to professional recreation meetings, conferences, and workshops and such reimbursement being made in compliance with the general policies of Montgomery County.

#### ARTICLE 4

##### Officers

- Section 1. The officers of the Commission shall be a Chairman, a Vice –Chairman, Secretary, and a Treasurer. The Officers shall be elected at the organizational meeting in January to serve for one year or until a successor shall be elected.
- Section 2. The Commission shall adopt by-laws, rules and regulations governing its procedures and not inconsistent with the provisions of the State laws and the approved ordinance as set forth by the Montgomery County Board of Supervisors.

#### ARTICLE 5

##### Meetings

- Section 1. Regular meetings shall be held at least once each month during the year. The meeting dates will be established at the organizational meeting in January.

- Section 2. Special meetings may be called by the Chairman or on the written request of at least two members.
- Section 3. All regular meetings are to be established at the organization meeting in January.
- Section 4. The meetings shall convene at 7:00 P.M. unless otherwise agreed. If the place or time of the meeting of the Commission will not be followed, an alternative of these shall be published seven days before in the local newspaper or such publication of the county.
- Section 5. The first regular meeting in January of each year shall be called the organizational meeting. The purpose of this meeting shall be the election of officers, and other business that may need to come before such meeting.
- Section 6. Five (5) voting members shall constitute a quorum at any regular or special meeting.
- Section 7. All meetings are open to the public.
- Section 8. Meetings shall be conducted in accordance with procedures prescribed in the by-laws and decisions reached only after full consideration on the issue in questions.
- Section 9. Robert's Rules of Order, Revised, should be observed except as otherwise specified by the Commission's by-laws, rules and regulations.
- Section 10. The following shall be the order of business of the Commission, but the Rules of Order may be suspended and any matters considered or postponed by action of the Commission:
- a. Call to order.
  - b. Roll call.
  - c. Consideration of minutes of last regular meeting and of any special meetings held subsequently and their approval or amendment.
  - d. Public Input.
  - e. Reports of standing committees.
  - f. Reports of special committees.
  - g. Reports of the Parks & Recreation Director.
  - h. New Business.
  - i. Old business.
  - j. Adjournment.

ARTICLE 6.  
Duties and Responsibilities of the Commission

- Section 1. The Parks and Recreation Commission serves in an advisory capacity to the Montgomery County Board of Supervisors. The Commission shall review recreational programs and facility offerings and make recommendations on parks and recreation issues as deemed necessary. Official recommendations from the Commission are to be passed through the Board of Supervisors Liaison of the Commission. The Liaison shall present recommendations and resolutions to the Board of Supervisors.
- Section 2. Interpret the recreation and parks services in the community and interpret the needs and desires of the community to the local governing body.
- Section 3. Financial Duties and Responsibilities. The Commission shall have no authority to enter into any contract or incur any obligation binding the governing body of Montgomery County.

## ARTICLE 7

- Section 1. Director's Relationship. The Director has a continuing responsibility to explain the organization, responsibilities, and working relations to the Commission, explain program objectives to them, assist them in details of organization, and assist in all matters related to good organization. He is an ex-officio member (by virtue of his office) and attends committee meetings. He keeps the Commission informed concerning the interests, needs, objectives, progress, plans, and other factors of importance to them. The Director shall be the official medium of communication between employees of the Recreation Department and the Commission.
- Section 2. Chairman's Duties. The Chairman shall preside at all meetings, , appoint committees, call special meetings when deemed advisable, and perform all such duties as usually handled by a chairman except when such duties are properly delegated.
- Section 3. Vice-Chairman's Duties. The Vice-Chairman of the Commission in the absence of the Chairman shall perform all the duties of the Chairman. In the absence of both the Chairman and the Vice-Chairman, the duties of the Commission shall elect a Chairman Pro Tempore who shall perform the duties of the President. The Vice-Chairman shall be charged with the responsibility to see that all standing and temporary committees function as planned by the commission.
- Section 4. Secretary's Duties. The Secretary shall perform the usual duties pertaining to the office. The Secretary shall keep or cause to be kept a full and true permanent record of all meetings of the Commission. This includes regular and special meetings plus reports of standing committees and shall be the custodian of all documents committed to his care. The Secretary shall issue or cause to be issued notices of regular and special meetings. Also, the Secretary must insure minutes of the previous meeting to the Commission

members prior to all meetings.

## ARTICLE 7

Section 1. The Parks and Recreation Commission shall make full and complete reports to the governing body at such times as may be requested and at such other times as the governing body may deem proper. The fiscal year of the Commission shall conform to that of the governing body of Montgomery County.

## ARTICLE 8

Section 1. Amendments. These by-laws may be amended at any regular meeting of the Commission by a majority vote of the entire Commission, provided previous notice of the nature of any proposed amendment shall have been given at least one regular meeting before the action thereon shall be taken.

Any amendments to the by-laws must also have the approval of the Board of Supervisors.

APPROVED BY:

\_\_\_\_\_  
Date

(s) Mary W. Biggs  
Chairman, Board of Supervisors

\_\_\_\_\_  
Date

(s) Wynne S. Parker  
Chairman, Parks and Recreation Commission

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Gary D. Creed		Larry N. Rush
Annette S. Perkins		
C.P. Shorter		
Mary W. Biggs		

### **School Funds - Supplemental Appropriation**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Cafeteria Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2002, for the function and in the amount as follows:

11 School Cafeteria Fund	\$105,000
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The sources of funds for the foregoing appropriation is as follows:

Revenue Account:

451203	School Cafeteria Fund Balance	\$105,000
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Said resolution appropriates additional fund balance for the School Cafeteria Fund.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Annette S. Perkins		Larry N. Rush
James D. Politis		
C.P. Shorter		
Mary W. Biggs		

**COUNTY ATTORNEY'S REPORT**

The County Attorney reported that he filed comments to the Federal Energy Regulatory Commission on behalf of the Board concerning the proposed gas pipeline by Dominion Greenbrier.

**BOARD MEMBERS' REPORTS**

Supervisor Creed received a call from a concerned citizen about noise from the interstate traffic on Maple Drive in Christiansburg. Sound barriers were installed on Interstate 81 but they were not installed along sections of the interstate that goes by Maple Drive. The noise has gotten worse with the installation of rumble strips. Supervisor Creed requested that staff contact VDoT to see what can be done.

Parks and Recreation Supervisor Creed has received numerous calls about umpires not showing up for ball games scheduled through the Parks and Recreation Department. Supervisor Shorter commented he has received calls concerning the same and also of scheduling conflicts.

Elliston Volunteer Fire Department - Location of New Fire Station Supervisor Creed provided Board members with maps showing the coverage area within a 5 mile range for the current fire station, possible



location in the Elliston/Lafayette Industrial Park and a possible location near Shawsville. The maps show the coverage gained or loss with each possibility. Supervisor Creed indicated that if the new fire station is built in the Industrial Park, then the entire coverage area for Shawsville will be lost. He indicated that the Board should use the money wisely when choosing a location. He is not saying the new station should be built in Shawsville, but it should not be built in the Industrial Park.

Supervisor Creed made a motion to eliminate the Elliston/Lafayette Industrial Park as a possible site for the new Elliston Fire Station. The motion died for a lack of a second. Supervisor Shorter commented that before the Board takes any action the Fire and Rescue Task Force should consult with the Elliston Fire Department and also hire an independent consultant to review the County's entire fire and rescue coverage. Supervisor Perkins commented that there is a need for a substation in the Ellett Valley area and this should be considered when making a decision on location for the new fire station.

Supervisor Perkins School Board is reviewing the recommendations by consultants for the use of vacant school facilities. They are currently focusing on the use of the old Blacksburg Middle School first.

Virginia Tech/Montgomery Regional Airport - Michael St. James, Director, is diligently working in preparing a new rules and procedures manual.

Economic Development Commission - Fred Morton, Superintendent Montgomery County Public Schools, presented a report on how the public schools are run like a business. Also, the demographics provided by the Census was discussed and how Montgomery County is growing. The trend in growth for the elementary and middle school age group may present a problem in the future for the school system.

Supervisor Politis expressed thanks to the County Attorney for his efforts in preparing comments on behalf of the Board to the Federal Energy Regulatory Commission on the proposed Dominion Greenbrier Pipeline.

Social Services Board Supervisor Politis reported that the case workers made a presentation to the Social Services Board on child welfare. He commented that there were only three case workers who deal with children and they are overworked. He believes that the County should continue funding Social Services.

Supervisor Shorter Parks & Recreation Supervisor Shorter received calls concerning the scheduling conflicts through Parks & Recreation at area schools. Apparently, double booking on the same fields has occurred. He also commented on the concerns with umpires not showing up for the games.

Rural Conservation and Development (RC&D) Supervisor Shorter reported that there is a grant available through the RC&D for fire protection implementation for fire and hazard reduction. RC&D is looking for counties to become models for the program. The grant would provide 90% of the funds with the County providing 10%, which could be provided by in-kind services. Supervisor Shorter believes that

Montgomery County should participate. It was the consensus of the Board to participate in this program. A resolution will be added to the next agenda for the Board's consideration.

Supervisor Biggs New Blacksburg Middle School Tour If any member of the Board missed the tour of the new Blacksburg Middle School, they can call the School Board office and a tour will be arranged.

School/County Liaison Meeting Supervisor Biggs reported that they discussed the idea of merging the County and School garage and maintenance services. She stated that the Schools feel this plan would not be feasible since the schools need the garage just for maintenance on the school buses.

Gazebo Project - Chair Biggs noted that the Town of Christiansburg supports the idea of a gazebo in the Town of Christiansburg but prefer a location near the Christiansburg Library.

Government Center Grand Opening Supervisor Biggs stated that the grand opening for the Government Center was well attended. Supervisor Biggs read a list of sponsors, donors, and employees who participated in making the event run smoothly. She requested the County Administrator to send out thank you cards to all those who helped with the event.

## **INTO CLOSED MEETING**

On a motion by Gary D. Creed, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711      (1)      Discussion , Consideration or Interviews of Prospective Candidates for Employment, Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Animal Control Officer
  2. New River Valley Community Action, Inc.
  3. New River Community College Board
  4. Community Services Board ( New River Valley)
  5. Montgomery-Floyd Regional Library Board
  6. Office on Youth Advisory Board ( 2 Appointments)
  7. Montgomery County Planning Commission
  8. Social Services Board ( 2 Appointments)
  9. Montgomery Regional Solid Waste Authority ( 2

Appointments)

10. Workforce Investment Board - Local Youth Council

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body

1. Purchase of Property for Public Purpose

The vote on the foregoing motion was as follow:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Annette S. Perkins		Larry N. Rush
James D. Politis		
C.P. Shorter		
Mary W. Biggs		

**OUT OF CLOSED MEETING**

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follow:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Annette S. Perkins		Larry N. Rush
James D. Politis		
C.P. Shorter		
Mary W. Biggs		

**CERTIFICATION OF CLOSED MEETING**

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

C.P. Shorter  
James D. Politis  
Gary D. Creed  
Annette S. Perkins  
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

John A. Muffo  
Larry N. Rush

ABSENT DURING MEETING

John A. Muffo  
Larry N. Rush

APPOINTMENTS

Animal Control Officer

On a motion by C. P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that **Larry**

**Davis** is hereby appointed Animal Control Officer for Montgomery County.

FURTHER, BE IT RESOLVED, That said term shall not expire as was previously established under the Code of Virginia, but said officer shall continue employment with Montgomery County under the same terms and conditions as all other County employees under the direction of the County Administrator.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		Larry N. Rush
Gary D. Creed		
James D. Politis		
Mary W. Biggs		

**New River Valley Community Action, Inc.**

On a motion by C. P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Lori Walden** to the **New River Valley Community Action, Inc.** effective July 1, 2002 and expiring June 30, 2004.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		Larry N. Rush
Gary D. Creed		
James D. Politis		
Mary W. Biggs		

**New River Community College Board**

On a motion by C. P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Larry J. Linkous** to the **New River Community College Board** effective July 1, 2002 and expiring June 30, 2006.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		Larry N. Rush
Gary D. Creed		
James D. Politis		
Mary W. Biggs		

**Community Services Board (New River Valley)**

On a motion by C. P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Jean Bourne** to the **New River Valley Community Services Board** effective July 1, 2002 and expiring June 30, 2005.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		Larry N. Rush
Gary D. Creed		
James D. Politis		
Mary W. Biggs		

**Montgomery-Floyd Regional Library Board**

On a motion by C. P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Shirley Hallock** to the **Montgomery-Floyd Regional Library Board** effective July 1, 2002 and expiring June 30, 2006.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		Larry N. Rush
Gary D. Creed		
James D. Politis		
Mary W. Biggs		

### Office on Youth Advisory Board - 2 Appointments

On a motion by C. P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Debbie Dove** to the **Office on Youth Advisory Board** effective July 1, 2002 and expiring February 11, 2005.

Said appointment fills the unexpired term of Robert E. Anderson, resigned.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		Larry N. Rush
Gary D. Creed		
James D. Politis		
Mary W. Biggs		

On a motion by C. P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Juanita Thornton** to the **Office on Youth Advisory Board** effective July 1, 2002 and expiring August 31, 2004.

Said appointment fills the unexpired term of Linda Nisbet, resigned.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		Larry N. Rush
Gary D. Creed		
James D. Politis		

Mary W. Biggs

**Montgomery County Planning Commission**

On a motion by C. P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **James Martin** to the **Montgomery County Planning Commission** effective July 1, 2002 and expiring June 30, 2006.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		Larry N. Rush
Gary D. Creed		
James D. Politis		
Mary W. Biggs		

**Social Services Board - 2 Appointments**

On a motion by C. P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Susan Gooden** to the **Social Services Board** effective July 1, 2002 and expires June 30, 2003.

Said appointments fills the unexpired term of John Price, Jr., resigned.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		Larry N. Rush
Gary D. Creed		
James D. Politis		
Mary W. Biggs		

On a motion by C. P. Shorter, seconded by Gary D. Creed and carried unanimously,



BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **John Ryan** to the **Social Services Board** effective July 1, 2002 and expiring June 30, 2006.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		Larry N. Rush
Gary D. Creed		
James D. Politis		
Mary W. Biggs		

**Montgomery Regional Solid Waste Authority**

On a motion by C. P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Joseph V. Gorman, Jr.** as Montgomery County Representative to the Montgomery Regional Solid Waste Authority effective July 1, 2002 and expiring June 30, 2006.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		Larry N. Rush
Gary D. Creed		
James D. Politis		
Mary W. Biggs		

**Workforce Investment Board - Local Youth Council**

On a motion by C. P. Shorter, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Lori Walden** to the **Local Youth Council** for the **Local Workforce Investment Board** in Local Workforce Investment Area #2 effective July 1, 2002 and expiring June 30, 2006.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	John A. Muffo
C. P. Shorter		Larry N. Rush

Gary D. Creed  
James D. Politis  
Mary W. Biggs

### **OTHER BUSINESS**

#### **Public Service Authority**

The Public Service Authority's July 1, 2002 meeting has been canceled.

### **ADJOURNMENT**

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried unanimously, the Board adjourned to Monday, July 8, 2002 at 7:15 p.m.

The vote on the foregoing motion was as follow:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
Annette S. Perkins		Larry N. Rush
James D. Politis		
C.P. Shorter		
Mary W. Biggs		

The meeting adjourned at 11:55 p.m.